



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

October 9, 2012

1210-VS-06

Exhibit 1

Petition Number: 1210-VS-06

Subject Site Address: 17317 Westfield Park Road

Petitioner: Indy Unlimited Motors

Request: The petitioner is requesting multiple variances of standard from the Westfield-Washington Township Zoning Ordinance to allow for a reduction in the north side yard setback from 45 feet to 36 feet (WC 16.04.070 (5)(d)) and a relief from the perimeter parking lot landscaping requirements (WC 16.06.070 (B)).

Current Zoning: Enclosed Industrial (EI)

Current Land Use: Industrial

Approximate Acreage: 3 acres

Exhibits:

1. Staff Report
2. Aerial Location Map
3. Petitioner's Application

Staff Reviewer: Kevin M. Todd, AICP

Petition History

This petition will receive a public hearing at the October 9, 2012 Board of Zoning Appeals meeting.

Property Location and Project Description

The subject property is approximately three (3) acres in size and is located at 17317 Westfield Park Road, within the Westfield Business Park (the "Property"). The Property is zoned Enclosed Industrial and falls within the U.S. Highway 31 Overlay Zone.

On May 10, 2011, the Board of Zoning Appeals (the "BZA") reviewed and approved the petitioner's Variance of Use request (1105-VU-02). The variance allows auto sales and service on the Property. Indy Unlimited Motors (the "Petitioner") is now ready to use the Property for auto sales and service. The Petitioner is an existing Westfield business that is being displaced by the U.S. 31 Major Moves project. The Petitioner has been given notice to vacate their existing property and plans to move the business to the Property before the end of the year.



The U.S. Highway 31 Overlay Zone requires that since the Property is being used as a different type of business than it was previously, the site needs to be brought into compliance with the terms of the U.S. 31 Overlay Zone. The configuration and placement of the existing building and parking lots on the Property do not meet certain development standards of the U.S. 31 Overlay Zone. Specifically, the north side of the building does not meet the 45 foot building setback requirement. The building is located approximately 36 feet from the north property line. Similarly, the northern, southern, and western edges of the existing parking lots abut the property line, leaving no space to plant the required perimeter parking lot plants.

Without demolishing, redesigning, and rebuilding the site and its structure, these U.S. Highway 31 Overlay standards cannot be met by the existing site conditions. This variance request addresses the existing non-conforming situation and seeks to bring the site into compliance with the U.S. 31 Overlay Zone.

Procedural

A Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Ind. Code § 36-7-4-918.5 only upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that the submitted proposal would be would be injurious to the public health, safety, morals, and general welfare of the community. The building and parking lot locations and configurations are not changing from what has existed for many years. There are no safety concerns with approving the variance request.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. The building and parking lot locations and configurations are not changing from what has existed for many years. Approving the variance request would allow existing improvements to remain. The variance proposal is not for new construction/impact.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

Finding: Strict adherence to the Zoning Ordinance would mean that the site has to meet all U.S. Highway 31 Overlay standards before it can be re-used by a different type of use. The requested variance is necessary in order to make the site viable and re-usable.



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Recommendations

Approve 1210-VS-06 based on the findings of this report.